



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6239

Introduced 2/11/2010, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides that a home rule county may provide for a system of administrative adjudication of violations of certain county ordinances. Provides that administrative adjudication is not the exclusive method to enforce the ordinances. Sets forth the powers and qualifications of hearing officers. Provides for notice and opportunity for a hearing at administrative proceedings. Provides that the rules of evidence do not apply in administrative hearings. Provides for judicial review of administrative decisions. Allows a home rule county to enforce judgments of hearing officers. Provides that existing systems of administrative adjudication shall not be affected. Amends the Illinois Vehicle Code. Provides that a municipality or "county" may provide for a system of administrative adjudication for violations of parking, standing, compliance, and automated traffic laws. Sets forth the requirements for a county ordinance establishing a system of administrative adjudication. Provides that the system of administrative adjudication shall provide for (i) a traffic compliance administrator, (ii) a parking, standing, compliance, or automated traffic law violation notice, (iii) a hearing for the registered owner of a vehicle cited in a violation notice, (iv) a petition to set aside a determination of liability for a violation, and (v) other necessary provisions. Makes other changes.

LRB096 17062 RLJ 32383 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by adding the
5 heading of Division 5-43 and Sections 5-43005, 5-43010,
6 5-43015, 5-43020, 5-43025, 5-43030, 5-43035, 5-43040, and
7 5-43045 and by changing Section 5-41010 as follows:

8 (55 ILCS 5/5-41010)

9 Sec. 5-41010. Code hearing unit. The county board in any
10 non-home rule county may establish by ordinance a code hearing
11 unit within an existing code enforcement agency or as a
12 separate and independent agency in county government, pursuant
13 to the provisions of this Division 5-41. A non-home rule county
14 may establish a code hearing unit and administrative
15 adjudication process only under the provisions of this Division
16 5-41. The function of the code hearing unit shall be to
17 expedite the prosecution and correction of code violations as
18 provided in this Division 5-41.

19 (Source: P.A. 95-471, eff. 8-27-07.)

20 (55 ILCS 5/Div. 5-43 heading new)

21 DIVISION 5-43. ADMINISTRATIVE ADJUDICATION - HOME RULE

22 COUNTIES

1 (55 ILCS 5/5-43005 new)

2 Sec. 5-43005. Applicability. This Division 5-43 applies
3 only to counties that are home rule units.

4 (55 ILCS 5/5-43010 new)

5 Sec. 5-43010. Administrative adjudication of county code
6 violations. Any county may provide by ordinance for a system of
7 administrative adjudication of county code violations to the
8 extent permitted by the Illinois Constitution. A "system of
9 administrative adjudication" means the adjudication of any
10 violation of a county ordinance, except for (i) proceedings not
11 within the statutory or the home rule authority of counties;
12 and (ii) any offense under the Illinois Vehicle Code (or a
13 similar offense that is a traffic regulation governing the
14 movement of vehicles and except for any reportable offense
15 under Section 6-204 of the Illinois Vehicle Code).

16 (55 ILCS 5/5-43015 new)

17 Sec. 5-43015. Administrative adjudication procedures not
18 exclusive. The adoption by a county of a system of
19 administrative adjudication does not preclude the county from
20 using other methods to enforce county ordinances.

21 (55 ILCS 5/5-43020 new)

22 Sec. 5-43020. Code hearing units; powers of hearing

1 officers.

2 (a) An ordinance establishing a system of administrative
3 adjudication, pursuant to this Division, shall provide for a
4 code hearing unit within an existing agency or as a separate
5 agency in the county government. The ordinance shall establish
6 the jurisdiction of a code hearing unit that is consistent with
7 this Division. The "jurisdiction" of a code hearing unit refers
8 to the particular code violations that it may adjudicate.

9 (b) Adjudicatory hearings shall be presided over by hearing
10 officers. The powers and duties of a hearing officer shall
11 include:

12 (1) hearing testimony and accepting evidence that is
13 relevant to the existence of the code violation;

14 (2) issuing subpoenas directing witnesses to appear
15 and give relevant testimony at the hearing, upon the
16 request of the parties or their representatives;

17 (3) preserving and authenticating the record of the
18 hearing and all exhibits and evidence introduced at the
19 hearing;

20 (4) issuing a determination, based on the evidence
21 presented at the hearing, of whether a code violation
22 exists, which shall be in writing and shall include a
23 written finding of fact, decision, and order including the
24 fine, penalty, or action with which the defendant must
25 comply; and

26 (5) imposing penalties consistent with applicable code

1 provisions and assessing costs upon finding a party liable
2 for the charged violation, except, however, that in no
3 event shall the hearing officer have authority to (i)
4 impose a penalty of incarceration or (ii) impose a fine in
5 excess of \$50,000, or at the option of the county, such
6 other amount not to exceed the maximum amount established
7 by the Mandatory Arbitration System as prescribed by the
8 Rules of the Illinois Supreme Court from time to time for
9 the judicial circuit in which the county is located. The
10 maximum monetary fine under this item (5), shall be
11 exclusive of costs of enforcement or costs imposed to
12 secure compliance with the county's ordinances and shall
13 not be applicable to cases to enforce the collection of any
14 tax imposed and collected by the county.

15 (c) Prior to conducting administrative adjudication
16 proceedings, administrative hearing officers shall have
17 successfully completed a formal training program that includes
18 the following:

19 (1) instruction on the rules of procedure of the
20 administrative hearings that they will conduct;

21 (2) orientation to each subject area of the code
22 violations that they will adjudicate;

23 (3) observation of administrative hearings; and

24 (4) participation in hypothetical cases, including
25 ruling on evidence and issuing final orders.

26 In addition, every administrative hearing officer must be

1 an attorney licensed to practice law in the State of Illinois
2 for at least 3 years.

3 (d) A proceeding before a code hearing unit shall be
4 instituted upon the filing of a written pleading by an
5 authorized official of the county.

6 (55 ILCS 5/5-43025 new)

7 Sec. 5-43025. Administrative hearing proceedings.

8 (a) Any ordinance establishing a system of administrative
9 adjudication, pursuant to this Division, shall afford parties
10 due process of law, including notice and opportunity for
11 hearing. Parties shall be served with process in a manner
12 reasonably calculated to give them actual notice, including, as
13 appropriate, personal service of process upon a party or its
14 employees or agents; service by mail at a party's address; or
15 notice that is posted upon the property where the violation is
16 found when the party is the owner or manager of the property.
17 In counties with a population under 3,000,000, if the notice
18 requires the respondent to answer within a certain amount of
19 time, the county must reply to the answer within the same
20 amount of time afforded to the respondent.

21 (b) Parties shall be given notice of an adjudicatory
22 hearing that includes the type and nature of the code violation
23 to be adjudicated, the date and location of the adjudicatory
24 hearing, the legal authority and jurisdiction under which the
25 hearing is to be held, and the penalties for failure to appear

1 at the hearing.

2 (c) Parties shall be provided with an opportunity for a
3 hearing during which they may be represented by counsel,
4 present witnesses, and cross-examine opposing witnesses.
5 Parties may request the hearing officer to issue subpoenas to
6 direct the attendance and testimony of relevant witnesses and
7 the production of relevant documents. Hearings shall be
8 scheduled with reasonable promptness, except that for hearings
9 scheduled in all non-emergency situations, if requested by the
10 defendant, the defendant shall have at least 15 days after
11 service of process to prepare for a hearing. For purposes of
12 this subsection (c), "non-emergency situation" means any
13 situation that does not reasonably constitute a threat to the
14 public interest, safety, or welfare. If service is provided by
15 mail, the 15-day period shall begin to run on the day that the
16 notice is deposited in the mail.

17 (55 ILCS 5/5-43030 new)

18 Sec. 5-43030. Rules of evidence shall not govern. The
19 formal and technical rules of evidence do not apply in an
20 adjudicatory hearing permitted under this Division. Evidence,
21 including hearsay, may be admitted only if it is of a type
22 commonly relied upon by reasonably prudent persons in the
23 conduct of their affairs.

24 (55 ILCS 5/5-43035 new)

1 Sec. 5-43035. Enforcement of judgment.

2 (a) Any fine, other sanction, or costs imposed, or part of
3 any fine, other sanction, or costs imposed, remaining unpaid
4 after the exhaustion of or the failure to exhaust judicial
5 review procedures under the Illinois Administrative Review Law
6 are a debt due and owing the county and may be collected in
7 accordance with applicable law.

8 (b) After expiration of the period in which judicial review
9 under the Illinois Administrative Review Law may be sought for
10 a final determination of a code violation, unless stayed by a
11 court of competent jurisdiction, the findings, decision, and
12 order of the hearing officer may be enforced in the same manner
13 as a judgment entered by a court of competent jurisdiction.

14 (c) In any case in which a defendant has failed to comply
15 with a judgment ordering a defendant to correct a code
16 violation or imposing any fine or other sanction as a result of
17 a code violation, any expenses incurred by a county to enforce
18 the judgment, including, but not limited to, attorney's fees,
19 court costs, and costs related to property demolition or
20 foreclosure, after they are fixed by a court of competent
21 jurisdiction or a hearing officer, shall be a debt due and
22 owing the county and may be collected in accordance with
23 applicable law. Prior to any expenses being fixed by a hearing
24 officer pursuant to this subsection (c), the county shall
25 provide notice to the defendant that states that the defendant
26 shall appear at a hearing before the administrative hearing

1 officer to determine whether the defendant has failed to comply
2 with the judgment. The notice shall set the date for the
3 hearing, which shall not be less than 7 days after the date
4 that notice is served. If notice is served by mail, the 7-day
5 period shall begin to run on the date that the notice was
6 deposited in the mail.

7 (d) Upon being recorded in the manner required by Article
8 XII of the Code of Civil Procedure or by the Uniform Commercial
9 Code, a lien shall be imposed on the real estate or personal
10 estate, or both, of the defendant in the amount of any debt due
11 and owing the county under this Section. The lien may be
12 enforced in the same manner as a judgment lien pursuant to a
13 judgment of a court of competent jurisdiction.

14 (e) A hearing officer may set aside any judgment entered by
15 default and set a new hearing date, upon a petition filed
16 within 21 days after the issuance of the order of default, if
17 the hearing officer determines that the petitioner's failure to
18 appear at the hearing was for good cause or at any time if the
19 petitioner establishes that the county did not provide proper
20 service of process. If any judgment is set aside pursuant to
21 this subsection (e), the hearing officer shall have authority
22 to enter an order extinguishing any lien that has been recorded
23 for any debt due and owing the county as a result of the
24 vacated default judgment.

1 Sec. 5-43040. Impact on existing administrative
2 adjudication systems. This Division does not affect the
3 validity of systems of administrative adjudication that were
4 authorized by State law, including home rule authority, and in
5 existence before the effective date of this amendatory Act of
6 the 96th General Assembly.

7 (55 ILCS 5/5-43045 new)

8 Sec. 5-43045. Impact on home rule authority. This Division
9 does not preempt counties from adopting other systems of
10 administrative adjudication pursuant to their home rule
11 powers.

12 Section 10. The Illinois Vehicle Code is amended by
13 changing Sections 6-306.5 and 11-208.3 as follows:

14 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

15 Sec. 6-306.5. Failure to pay fine or penalty for standing,
16 parking, compliance, or automated traffic law violations;
17 suspension of driving privileges.

18 (a) Upon receipt of a certified report, as prescribed by
19 subsection (c) of this Section, from any municipality or county
20 stating that the owner of a registered vehicle has: (1) failed
21 to pay any fine or penalty due and owing as a result of 10 or
22 more violations of a municipality's or county's vehicular
23 standing, parking, or compliance regulations established by

1 ordinance pursuant to Section 11-208.3 of this Code, or (2)
2 failed to pay any fine or penalty due and owing as a result of 5
3 offenses for automated traffic violations as defined in Section
4 11-208.6 or 11-1201.1, the Secretary of State shall suspend the
5 driving privileges of such person in accordance with the
6 procedures set forth in this Section. The Secretary shall also
7 suspend the driving privileges of an owner of a registered
8 vehicle upon receipt of a certified report, as prescribed by
9 subsection (f) of this Section, from any municipality or county
10 stating that such person has failed to satisfy any fines or
11 penalties imposed by final judgments for 5 or more automated
12 traffic law violations or 10 or more violations of local
13 standing, parking, or compliance regulations after exhaustion
14 of judicial review procedures.

15 (b) Following receipt of the certified report of the
16 municipality or county as specified in this Section, the
17 Secretary of State shall notify the person whose name appears
18 on the certified report that the person's drivers license will
19 be suspended at the end of a specified period of time unless
20 the Secretary of State is presented with a notice from the
21 municipality or county certifying that the fine or penalty due
22 and owing the municipality or county has been paid or that
23 inclusion of that person's name on the certified report was in
24 error. The Secretary's notice shall state in substance the
25 information contained in the municipality's or county's
26 certified report to the Secretary, and shall be effective as

1 specified by subsection (c) of Section 6-211 of this Code.

2 (c) The report of the appropriate municipal or county
3 official notifying the Secretary of State of unpaid fines or
4 penalties pursuant to this Section shall be certified and shall
5 contain the following:

6 (1) The name, last known address as recorded with the
7 Secretary of State, as provided by the lessor of the cited
8 vehicle at the time of lease, or as recorded in a United
9 States Post Office approved database if any notice sent
10 under Section 11-208.3 of this Code is returned as
11 undeliverable, and drivers license number of the person who
12 failed to pay the fine or penalty and the registration
13 number of any vehicle known to be registered to such person
14 in this State.

15 (2) The name of the municipality or county making the
16 report pursuant to this Section.

17 (3) A statement that the municipality or county sent a
18 notice of impending drivers license suspension as
19 prescribed by ordinance enacted pursuant to Section
20 11-208.3, to the person named in the report at the address
21 recorded with the Secretary of State or at the last address
22 known to the lessor of the cited vehicle at the time of
23 lease or, if any notice sent under Section 11-208.3 of this
24 Code is returned as undeliverable, at the last known
25 address recorded in a United States Post Office approved
26 database; the date on which such notice was sent; and the

1 address to which such notice was sent. In a municipality or
2 county with a population of 1,000,000 or more, the report
3 shall also include a statement that the alleged violator's
4 State vehicle registration number and vehicle make, if
5 specified on the automated traffic law violation notice,
6 are correct as they appear on the citations.

7 (d) Any municipality or county making a certified report to
8 the Secretary of State pursuant to this Section shall notify
9 the Secretary of State, in a form prescribed by the Secretary,
10 whenever a person named in the certified report has paid the
11 previously reported fine or penalty or whenever the
12 municipality or county determines that the original report was
13 in error. A certified copy of such notification shall also be
14 given upon request and at no additional charge to the person
15 named therein. Upon receipt of the municipality's or county's
16 notification or presentation of a certified copy of such
17 notification, the Secretary of State shall terminate the
18 suspension.

19 (e) Any municipality or county making a certified report to
20 the Secretary of State pursuant to this Section shall also by
21 ordinance establish procedures for persons to challenge the
22 accuracy of the certified report. The ordinance shall also
23 state the grounds for such a challenge, which may be limited to
24 (1) the person not having been the owner or lessee of the
25 vehicle or vehicles receiving 10 or more standing, parking, or
26 compliance violation notices or 5 or more automated traffic law

1 violations on the date or dates such notices were issued; and
2 (2) the person having already paid the fine or penalty for the
3 10 or more standing, parking, or compliance violations or 5 or
4 more automated traffic law violations indicated on the
5 certified report.

6 (f) Any municipality or county, other than a municipality
7 or county establishing vehicular standing, parking, and
8 compliance regulations pursuant to Section 11-208.3 or
9 automated traffic law regulations under Section 11-208.6 or
10 11-1201.1, may also cause a suspension of a person's drivers
11 license pursuant to this Section. Such municipality or county
12 may invoke this sanction by making a certified report to the
13 Secretary of State upon a person's failure to satisfy any fine
14 or penalty imposed by final judgment for 10 or more violations
15 of local standing, parking, or compliance regulations or 5 or
16 more automated traffic law violations after exhaustion of
17 judicial review procedures, but only if:

18 (1) the municipality or county complies with the
19 provisions of this Section in all respects except in regard
20 to enacting an ordinance pursuant to Section 11-208.3;

21 (2) the municipality or county has sent a notice of
22 impending drivers license suspension as prescribed by an
23 ordinance enacted pursuant to subsection (g) of this
24 Section; and

25 (3) in municipalities or counties with a population of
26 1,000,000 or more, the municipality or county has verified

1 that the alleged violator's State vehicle registration
2 number and vehicle make are correct as they appear on the
3 citations.

4 (g) Any municipality or county, other than a municipality
5 or county establishing standing, parking, and compliance
6 regulations pursuant to Section 11-208.3 or automated traffic
7 law regulations under Section 11-208.6 or 11-1201.1, may
8 provide by ordinance for the sending of a notice of impending
9 drivers license suspension to the person who has failed to
10 satisfy any fine or penalty imposed by final judgment for 10 or
11 more violations of local standing, parking, or compliance
12 regulations or 5 or more automated traffic law violations after
13 exhaustion of judicial review procedures. An ordinance so
14 providing shall specify that the notice sent to the person
15 liable for any fine or penalty shall state that failure to pay
16 the fine or penalty owing within 45 days of the notice's date
17 will result in the municipality or county notifying the
18 Secretary of State that the person's drivers license is
19 eligible for suspension pursuant to this Section. The notice of
20 impending drivers license suspension shall be sent by first
21 class United States mail, postage prepaid, to the address
22 recorded with the Secretary of State or at the last address
23 known to the lessor of the cited vehicle at the time of lease
24 or, if any notice sent under Section 11-208.3 of this Code is
25 returned as undeliverable, to the last known address recorded
26 in a United States Post Office approved database.

1 (h) An administrative hearing to contest an impending
2 suspension or a suspension made pursuant to this Section may be
3 had upon filing a written request with the Secretary of State.
4 The filing fee for this hearing shall be \$20, to be paid at the
5 time the request is made. A municipality or county which files
6 a certified report with the Secretary of State pursuant to this
7 Section shall reimburse the Secretary for all reasonable costs
8 incurred by the Secretary as a result of the filing of the
9 report, including but not limited to the costs of providing the
10 notice required pursuant to subsection (b) and the costs
11 incurred by the Secretary in any hearing conducted with respect
12 to the report pursuant to this subsection and any appeal from
13 such a hearing.

14 (i) The provisions of this Section shall apply on and after
15 January 1, 1988.

16 (j) For purposes of this Section, the term "compliance
17 violation" is defined as in Section 11-208.3.

18 (Source: P.A. 96-478, eff. 1-1-10.)

19 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles and automated traffic law violations.

23 (a) Any municipality or county may provide by ordinance for
24 a system of administrative adjudication of vehicular standing
25 and parking violations and vehicle compliance violations as

1 defined in this subsection and automated traffic law violations
2 as defined in Section 11-208.6 or 11-1201.1. The administrative
3 system shall have as its purpose the fair and efficient
4 enforcement of municipal or county regulations through the
5 administrative adjudication of automated traffic law
6 violations and violations of municipal or county ordinances
7 regulating the standing and parking of vehicles, the condition
8 and use of vehicle equipment, and the display of municipal or
9 county wheel tax licenses within the municipality's or county's
10 borders. The administrative system shall only have authority to
11 adjudicate civil offenses carrying fines not in excess of \$500
12 or requiring the completion of a traffic education program, or
13 both, that occur after the effective date of the ordinance
14 adopting such a system under this Section. For purposes of this
15 Section, "compliance violation" means a violation of a
16 municipal or county regulation governing the condition or use
17 of equipment on a vehicle or governing the display of a
18 municipal or county wheel tax license.

19 (b) Any ordinance establishing a system of administrative
20 adjudication under this Section shall provide for:

21 (1) A traffic compliance administrator authorized to
22 adopt, distribute and process parking, compliance, and
23 automated traffic law violation notices and other notices
24 required by this Section, collect money paid as fines and
25 penalties for violation of parking and compliance
26 ordinances and automated traffic law violations, and

1 operate an administrative adjudication system. The traffic
2 compliance administrator also may make a certified report
3 to the Secretary of State under Section 6-306.5.

4 (2) A parking, standing, compliance, or automated
5 traffic law violation notice that shall specify the date,
6 time, and place of violation of a parking, standing,
7 compliance, or automated traffic law regulation; the
8 particular regulation violated; any requirement to
9 complete a traffic education program; the fine and any
10 penalty that may be assessed for late payment or failure to
11 complete a required traffic education program, or both,
12 when so provided by ordinance; the vehicle make and state
13 registration number; and the identification number of the
14 person issuing the notice. With regard to automated traffic
15 law violations, vehicle make shall be specified on the
16 automated traffic law violation notice if the make is
17 available and readily discernible. With regard to
18 municipalities or counties with a population of 1 million
19 or more, it shall be grounds for dismissal of a parking
20 violation if the state registration number or vehicle make
21 specified is incorrect. The violation notice shall state
22 that the completion of any required traffic education
23 program, the payment of any indicated fine, and the payment
24 of any applicable penalty for late payment or failure to
25 complete a required traffic education program, or both,
26 shall operate as a final disposition of the violation. The

1 notice also shall contain information as to the
2 availability of a hearing in which the violation may be
3 contested on its merits. The violation notice shall specify
4 the time and manner in which a hearing may be had.

5 (3) Service of the parking, standing, or compliance
6 violation notice by affixing the original or a facsimile of
7 the notice to an unlawfully parked vehicle or by handing
8 the notice to the operator of a vehicle if he or she is
9 present and service of an automated traffic law violation
10 notice by mail to the address of the registered owner of
11 the cited vehicle as recorded with the Secretary of State
12 within 30 days after the Secretary of State notifies the
13 municipality or county of the identity of the owner of the
14 vehicle, but in no event later than 90 days after the
15 violation. A person authorized by ordinance to issue and
16 serve parking, standing, and compliance violation notices
17 shall certify as to the correctness of the facts entered on
18 the violation notice by signing his or her name to the
19 notice at the time of service or in the case of a notice
20 produced by a computerized device, by signing a single
21 certificate to be kept by the traffic compliance
22 administrator attesting to the correctness of all notices
23 produced by the device while it was under his or her
24 control. In the case of an automated traffic law violation,
25 the ordinance shall require a determination by a technician
26 employed or contracted by the municipality or county that,

1 based on inspection of recorded images, the motor vehicle
2 was being operated in violation of Section 11-208.6 or
3 11-1201.1 or a local ordinance. If the technician
4 determines that the vehicle entered the intersection as
5 part of a funeral procession or in order to yield the
6 right-of-way to an emergency vehicle, a citation shall not
7 be issued. The original or a facsimile of the violation
8 notice or, in the case of a notice produced by a
9 computerized device, a printed record generated by the
10 device showing the facts entered on the notice, shall be
11 retained by the traffic compliance administrator, and
12 shall be a record kept in the ordinary course of business.
13 A parking, standing, compliance, or automated traffic law
14 violation notice issued, signed and served in accordance
15 with this Section, a copy of the notice, or the computer
16 generated record shall be prima facie correct and shall be
17 prima facie evidence of the correctness of the facts shown
18 on the notice. The notice, copy, or computer generated
19 record shall be admissible in any subsequent
20 administrative or legal proceedings.

21 (4) An opportunity for a hearing for the registered
22 owner of the vehicle cited in the parking, standing,
23 compliance, or automated traffic law violation notice in
24 which the owner may contest the merits of the alleged
25 violation, and during which formal or technical rules of
26 evidence shall not apply; provided, however, that under

1 Section 11-1306 of this Code the lessee of a vehicle cited
2 in the violation notice likewise shall be provided an
3 opportunity for a hearing of the same kind afforded the
4 registered owner. The hearings shall be recorded, and the
5 person conducting the hearing on behalf of the traffic
6 compliance administrator shall be empowered to administer
7 oaths and to secure by subpoena both the attendance and
8 testimony of witnesses and the production of relevant books
9 and papers. Persons appearing at a hearing under this
10 Section may be represented by counsel at their expense. The
11 ordinance may also provide for internal administrative
12 review following the decision of the hearing officer.

13 (5) Service of additional notices, sent by first class
14 United States mail, postage prepaid, to the address of the
15 registered owner of the cited vehicle as recorded with the
16 Secretary of State or, if any notice to that address is
17 returned as undeliverable, to the last known address
18 recorded in a United States Post Office approved database,
19 or, under Section 11-1306 of this Code, to the lessee of
20 the cited vehicle at the last address known to the lessor
21 of the cited vehicle at the time of lease or, if any notice
22 to that address is returned as undeliverable, to the last
23 known address recorded in a United States Post Office
24 approved database. The service shall be deemed complete as
25 of the date of deposit in the United States mail. The
26 notices shall be in the following sequence and shall

1 include but not be limited to the information specified
2 herein:

3 (i) A second notice of parking, standing, or
4 compliance violation. This notice shall specify the
5 date and location of the violation cited in the
6 parking, standing, or compliance violation notice, the
7 particular regulation violated, the vehicle make and
8 state registration number, any requirement to complete
9 a traffic education program, the fine and any penalty
10 that may be assessed for late payment or failure to
11 complete a traffic education program, or both, when so
12 provided by ordinance, the availability of a hearing in
13 which the violation may be contested on its merits, and
14 the time and manner in which the hearing may be had.
15 The notice of violation shall also state that failure
16 to complete a required traffic education program, to
17 pay the indicated fine and any applicable penalty, or
18 to appear at a hearing on the merits in the time and
19 manner specified, will result in a final determination
20 of violation liability for the cited violation in the
21 amount of the fine or penalty indicated, and that, upon
22 the occurrence of a final determination of violation
23 liability for the failure, and the exhaustion of, or
24 failure to exhaust, available administrative or
25 judicial procedures for review, any incomplete traffic
26 education program or any unpaid fine or penalty, or

1 both, will constitute a debt due and owing the
2 municipality or county.

3 (ii) A notice of final determination of parking,
4 standing, compliance, or automated traffic law
5 violation liability. This notice shall be sent
6 following a final determination of parking, standing,
7 compliance, or automated traffic law violation
8 liability and the conclusion of judicial review
9 procedures taken under this Section. The notice shall
10 state that the incomplete traffic education program or
11 the unpaid fine or penalty, or both, is a debt due and
12 owing the municipality or county. The notice shall
13 contain warnings that failure to complete any required
14 traffic education program or to pay any fine or penalty
15 due and owing the municipality or county, or both,
16 within the time specified may result in the
17 municipality's or county's filing of a petition in the
18 Circuit Court to have the incomplete traffic education
19 program or unpaid fine or penalty, or both, rendered a
20 judgment as provided by this Section, or may result in
21 suspension of the person's drivers license for failure
22 to complete a traffic education program or to pay fines
23 or penalties, or both, for 10 or more parking
24 violations under Section 6-306.5 or 5 or more automated
25 traffic law violations under Section 11-208.6.

26 (6) A notice of impending drivers license suspension.

1 This notice shall be sent to the person liable for failure
2 to complete a required traffic education program or to pay
3 any fine or penalty that remains due and owing, or both, on
4 10 or more parking violations or 5 or more unpaid automated
5 traffic law violations. The notice shall state that failure
6 to complete a required traffic education program or to pay
7 the fine or penalty owing, or both, within 45 days of the
8 notice's date will result in the municipality or county
9 notifying the Secretary of State that the person is
10 eligible for initiation of suspension proceedings under
11 Section 6-306.5 of this Code. The notice shall also state
12 that the person may obtain a photostatic copy of an
13 original ticket imposing a fine or penalty by sending a
14 self addressed, stamped envelope to the municipality or
15 county along with a request for the photostatic copy. The
16 notice of impending drivers license suspension shall be
17 sent by first class United States mail, postage prepaid, to
18 the address recorded with the Secretary of State or, if any
19 notice to that address is returned as undeliverable, to the
20 last known address recorded in a United States Post Office
21 approved database.

22 (7) Final determinations of violation liability. A
23 final determination of violation liability shall occur
24 following failure to complete the required traffic
25 education program or to pay the fine or penalty, or both,
26 after a hearing officer's determination of violation

1 liability and the exhaustion of or failure to exhaust any
2 administrative review procedures provided by ordinance.
3 Where a person fails to appear at a hearing to contest the
4 alleged violation in the time and manner specified in a
5 prior mailed notice, the hearing officer's determination
6 of violation liability shall become final: (A) upon denial
7 of a timely petition to set aside that determination, or
8 (B) upon expiration of the period for filing the petition
9 without a filing having been made.

10 (8) A petition to set aside a determination of parking,
11 standing, compliance, or automated traffic law violation
12 liability that may be filed by a person owing an unpaid
13 fine or penalty. A petition to set aside a determination of
14 liability may also be filed by a person required to
15 complete a traffic education program. The petition shall be
16 filed with and ruled upon by the traffic compliance
17 administrator in the manner and within the time specified
18 by ordinance. The grounds for the petition may be limited
19 to: (A) the person not having been the owner or lessee of
20 the cited vehicle on the date the violation notice was
21 issued, (B) the person having already completed the
22 required traffic education program or paid the fine or
23 penalty, or both, for the violation in question, and (C)
24 excusable failure to appear at or request a new date for a
25 hearing. With regard to municipalities or counties with a
26 population of 1 million or more, it shall be grounds for

1 dismissal of a parking violation if the state registration
2 number, or vehicle make if specified, is incorrect. After
3 the determination of parking, standing, compliance, or
4 automated traffic law violation liability has been set
5 aside upon a showing of just cause, the registered owner
6 shall be provided with a hearing on the merits for that
7 violation.

8 (9) Procedures for non-residents. Procedures by which
9 persons who are not residents of the municipality or county
10 may contest the merits of the alleged violation without
11 attending a hearing.

12 (10) A schedule of civil fines for violations of
13 vehicular standing, parking, compliance, or automated
14 traffic law regulations enacted by ordinance pursuant to
15 this Section, and a schedule of penalties for late payment
16 of the fines or failure to complete required traffic
17 education programs, provided, however, that the total
18 amount of the fine and penalty for any one violation shall
19 not exceed \$250, except as provided in subsection (c) of
20 Section 11-1301.3 of this Code.

21 (11) Other provisions as are necessary and proper to
22 carry into effect the powers granted and purposes stated in
23 this Section.

24 (c) Any municipality or county establishing vehicular
25 standing, parking, compliance, or automated traffic law
26 regulations under this Section may also provide by ordinance

1 for a program of vehicle immobilization for the purpose of
2 facilitating enforcement of those regulations. The program of
3 vehicle immobilization shall provide for immobilizing any
4 eligible vehicle upon the public way by presence of a restraint
5 in a manner to prevent operation of the vehicle. Any ordinance
6 establishing a program of vehicle immobilization under this
7 Section shall provide:

8 (1) Criteria for the designation of vehicles eligible
9 for immobilization. A vehicle shall be eligible for
10 immobilization when the registered owner of the vehicle has
11 accumulated the number of incomplete traffic education
12 programs or unpaid final determinations of parking,
13 standing, compliance, or automated traffic law violation
14 liability, or both, as determined by ordinance.

15 (2) A notice of impending vehicle immobilization and a
16 right to a hearing to challenge the validity of the notice
17 by disproving liability for the incomplete traffic
18 education programs or unpaid final determinations of
19 parking, standing, compliance, or automated traffic law
20 violation liability, or both, listed on the notice.

21 (3) The right to a prompt hearing after a vehicle has
22 been immobilized or subsequently towed without the
23 completion of the required traffic education program or
24 payment of the outstanding fines and penalties on parking,
25 standing, compliance, or automated traffic law violations,
26 or both, for which final determinations have been issued.

1 An order issued after the hearing is a final administrative
2 decision within the meaning of Section 3-101 of the Code of
3 Civil Procedure.

4 (4) A post immobilization and post-towing notice
5 advising the registered owner of the vehicle of the right
6 to a hearing to challenge the validity of the impoundment.

7 (d) Judicial review of final determinations of parking,
8 standing, compliance, or automated traffic law violations and
9 final administrative decisions issued after hearings regarding
10 vehicle immobilization and impoundment made under this Section
11 shall be subject to the provisions of the Administrative Review
12 Law.

13 (e) Any fine, penalty, incomplete traffic education
14 program, or part of any fine or any penalty remaining unpaid
15 after the exhaustion of, or the failure to exhaust,
16 administrative remedies created under this Section and the
17 conclusion of any judicial review procedures shall be a debt
18 due and owing the municipality or county and, as such, may be
19 collected in accordance with applicable law. Completion of any
20 required traffic education program and payment in full of any
21 fine or penalty resulting from a standing, parking, compliance,
22 or automated traffic law violation shall constitute a final
23 disposition of that violation.

24 (f) After the expiration of the period within which
25 judicial review may be sought for a final determination of
26 parking, standing, compliance, or automated traffic law

1 violation, the municipality or county may commence a proceeding
2 in the Circuit Court for purposes of obtaining a judgment on
3 the final determination of violation. Nothing in this Section
4 shall prevent a municipality or county from consolidating
5 multiple final determinations of parking, standing,
6 compliance, or automated traffic law violations against a
7 person in a proceeding. Upon commencement of the action, the
8 municipality or county shall file a certified copy or record of
9 the final determination of parking, standing, compliance, or
10 automated traffic law violation, which shall be accompanied by
11 a certification that recites facts sufficient to show that the
12 final determination of violation was issued in accordance with
13 this Section and the applicable municipal or county ordinance.
14 Service of the summons and a copy of the petition may be by any
15 method provided by Section 2-203 of the Code of Civil Procedure
16 or by certified mail, return receipt requested, provided that
17 the total amount of fines and penalties for final
18 determinations of parking, standing, compliance, or automated
19 traffic law violations does not exceed \$2500. If the court is
20 satisfied that the final determination of parking, standing,
21 compliance, or automated traffic law violation was entered in
22 accordance with the requirements of this Section and the
23 applicable municipal or county ordinance, and that the
24 registered owner or the lessee, as the case may be, had an
25 opportunity for an administrative hearing and for judicial
26 review as provided in this Section, the court shall render

1 judgment in favor of the municipality or county and against the
2 registered owner or the lessee for the amount indicated in the
3 final determination of parking, standing, compliance, or
4 automated traffic law violation, plus costs. The judgment shall
5 have the same effect and may be enforced in the same manner as
6 other judgments for the recovery of money.

7 (g) The fee for participating in a traffic education
8 program under this Section shall not exceed \$25.

9 A low-income individual required to complete a traffic
10 education program under this Section who provides proof of
11 eligibility for the federal earned income tax credit under
12 Section 32 of the Internal Revenue Code or the Illinois earned
13 income tax credit under Section 212 of the Illinois Income Tax
14 Act shall not be required to pay any fee for participating in a
15 required traffic education program.

16 (Source: P.A. 95-331, eff. 8-21-07; 96-288, eff. 8-11-09;
17 96-478, eff. 1-1-10; revised 9-4-09.)

1 INDEX
2 Statutes amended in order of appearance

3 55 ILCS 5/5-41010

4 55 ILCS 5/Div. 5-43

5 heading new

6 55 ILCS 5/5-43005 new

7 55 ILCS 5/5-43010 new

8 55 ILCS 5/5-43015 new

9 55 ILCS 5/5-43020 new

10 55 ILCS 5/5-43025 new

11 55 ILCS 5/5-43030 new

12 55 ILCS 5/5-43035 new

13 55 ILCS 5/5-43040 new

14 55 ILCS 5/5-43045 new

15 625 ILCS 5/6-306.5 from Ch. 95 1/2, par. 6-306.5

16 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3